IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 21889 of 2007(E)

PETITIONER:

G.RADHAKRISHNAN, MEMBER NO.67413,
THIRUVANANTHAPURAM URBAN CO-OPERATIVE BANK LIMITED
NO.1959, RESIDING AT T.C.NO.27/503,SAKETHAM,
SREEKANTEWSARAM,THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR

RESPONDENTS:
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1. **THE STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECREARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATIVE CO-OPERATION B DEPARTMENT,SECRETRIAT,THIRUVANANTHAPURAM.**

2. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),THIRUVANANTHAPURAM.**

3. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),THIRUVANANTHAPURAM.**

4. **THE THIRUVANANTHAPURAM URBAN CO-OPERATIVE BANK LIMITED NO.19959, REPRESENTED BY ITS GENERAL MANAGER.**

BY ADV. SRI.GEORGE POONTHOTTAM - R4
BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA - R1 TO R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.21889/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE INSPECTION REPORT DT. 30.5.97 ISSUED BY THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, TRIVANDRUM.

EXT.P2:- COPY OF THE LETTER DT. 30.5.97 SENT BY THE JOINT REGISTRAR, TO THE URBAN CO-OPERATIVE BANK, TRIVANDRUM.

EXT.P3:- COPY OF THE REPRESENTATION DT. 12.2.04 SUBMITTED BY THE PETITIONER BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

EXT.P4:- COPY OF THE JUDGMENT DT. 7.7.04 IN WPC. 9211/04(V) PASSED BY THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM.

EXT.P5:- COPY OF THE REPRESENTATION DT. 10.7.06 SUBMITTED BY THE PETITIONER TO THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

EXT.P6:- COPY OF THE PETITION DT. 7.5.07 SUBMITTED BY THE PETITIONER TO THE STATE PUBLIC INFORMATION OFFICER, THIRUVANANTHAPURAM.

EXT.P6(a):- COPY OF THE REPRESENTATION DT. 7.5.07 SUBMITTED BY THE PETITIONER TO THE STATE PUBLIC INFORMATION OFFICER, THIRUVANANTHAPURAM.

EXT.P7:- COPY OF THE COMMUNICATION NO.C.G.(3)22783/07 DT. 23.5.07 ISSUED BY THE REGISTRAR CO-OPERATIVE SOCIETIES, TRIVANDRUM.

EXT.P8:- COPY OF THE ORDER NO.C.G.(3)27471/06 DT. 18.5.07 ISSUED BY THE REGISTRAR, IN CHARGE CO-OPERATIVE SOCIETIES, TRIVANDRUM.

EXT.P9:- COPY OF THE AUDIT NOTE FOR THE YEAR 2000-01 DT. 15.9.01 ISSUED BY THE GOVERNMENT, ASSISTANT REGISTRAR CONCURRENT AUDITOR.

EXT.R4(a):- COPY OF THE WRITTEN SUBMISSION GIVEN BY THE BANK DT. 12.9.06.

/TRUE COPY/

P.S. TO JUDGE

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.21889 of 2007-E

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Dated this the 13th day of November, 2007.

JUDGMENT

1. Petitioner seeks issuance of writs for enforcement of Ext.P8 decision. He was a complainant in the proceedings that led to Ext.P8. Even in Ext.P8, it is stated that the petitioner never appeared before the authorities or placed any material in support of his allegations. However, the Registrar-in-charge concluded that further proceedings have to be held. Even if there is some basis for Ext.P8 order, the visitorial jurisdictional of this Court is reluctant to aid the petitioner to have Ext.P8 enforced. As of now, the petitioner has also a contention that he was not heard in relation to Ext.P8 and that the statement in Ext.P8 that he had been consistently absent in the proceedings is

wrong. If the petitioner requests the Registrar for a re-hearing in relation to Ext.P8, that will be done and further proceedings shall depend upon such action. The writ petition is, hence, closed without prejudice to what is stated above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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